

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 8TH MARCH 2007 / 17TH PHALGUNA 1928

WP(C).No. 22478 of 2006(A)

PETITIONER:

**ANU MATHEW, W/O.LATE VINOD KUMAR MATHEW
PALLIVATHUKAL HOUSE, AMBIKA MARKET P.O.,
VECHOOOR, KOTTAYAM.**

**BY ADV. SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN**

RESPONDENTS:

- 1. THE INSURANCE OMBUDSMAN, KOCHI,
2ND FLOOR, CC 27/2603, PULINAT BUILDINGS,
M.G. ROAD, KOCHI-15.**
- 2. TATA AIG LIFE INSURANCE CO.LTD.,
REGISTERED AND CORPORATE OFFICE AT 6TH FLOOR,
PENINSULA TOWERS, PENINSULA CORPORATE PARK,
GANPATRAO KADAM MARG, LOWER PAREL (W),
MUMBAI-400 013, REPRESENTED BY ITS CHAIRMAN
AND MANAGING DIRECTOR.**
- 3. THE SENIOR MANAGER-CLAIMS,
TATA AIG LIFE INSURANCE COMPANY LTD.,
DELPHI-B WING, 2ND FLOOR, ARCADE AVENUE,
HIRANANDANI BUSINESS PARK, POWAI,
MUMBAI-400 076.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C) NO.22478/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE LETTER DT.30.3.06 SENT BY THE 3RD RESPONDENT TO THE PETITIONER.

EXT.P2:- COPY OF THE LETTER DT.5.4.06 SENT BY THE 3RD RESPONDENT TO THE PETITIONER.

EXT.P3:- COPY OF THE COMMUNICATION DT.15.5.06 RECEIVED FROM THE SECRETARY OF THE INSURANCE OMBUDSMAN ALONG WITH THE ENVELOPE.

EXT.P4:- COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT ALONG WITH THE RELEVANT DOCUMENTS.

EXT.P5:- COPY OF THE LETTER DT. 3.5.06 ISSUED BY DR.KURIAN XAVIER.

EXT.P6:- COPY OF THE CERTIFICATE D.T.7.4.06 ISSUED BY DR.CHERIAN KOSHY.

EXT.P7:- COPY OF THE AWARD D.T.21.6.06 PASSED BY THE 1ST RESPONDENT .

EXT.P8:- COPY OF THE WRITTEN REQUEST MADE BY THE PETITIONER ON 12.7.06.

EXT.P9:- COPY OF THE COMMUNICATION DT.17.7.06 FROM THE 1ST RESPONDENT.

EXT.P10:- COPY OF THE LETTER DT.1.6.06 ISSUED BY THE 1ST RESPONDENT.

EXT.P11:- COPY OF THE LETTER DT.26.7.06 ISSUED BY SBI LIFE INSURANCE COMPANY LTD.

/TRUE COPY/

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Thottathil B. Radhakrishnan, J.

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W.P.(C)No.22478 of 2006

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Dated this the 8th day of March, 2007.

JUDGMENT

None appears for respondents 2 and 3 even today. Having regard to the materials disclosed in the form of Exts.P8 to P10, I am satisfied that this is a case where the petitioner deserves to be given a further opportunity to present her case through counsel. To secure that, the impugned Ext.P7 is set aside. The Insurance Ombudsman will, following this judgment, take up the proceedings and give the petitioner sufficient opportunity of being heard.

Writ Petition is disposed of in the above terms.

**Thottathil B.Radhakrishnan,
Judge.**

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